

Exhibit 8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

FIELDTURF USA, INC. and
FIELDTURF TARKETT, INC.,

Plaintiffs, Case No. 10-12492
vs. Hon. Stephen J. Murphy, III

ASTROTURF, LLC,

Defendant.

/

JURY TRIAL - VOLUME 9

BEFORE THE HONORABLE STEPHEN J. MURPHY, III
United States District Judge
Theodore Levin United States Courthouse
231 West Lafayette Boulevard
Detroit, Michigan 48226
Tuesday, September 29, 2015

APPEARANCES:

For the Plaintiff
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FieldTurf Tarkett, Inc.:

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1 A. Yes.

2 Q. And you mentioned your kids in your direct testimony?

3 A. Yes.

4 Q. Okay. You have four, three boys and the youngest is a
5 girl, did I get that right?

6 A. Yes.

7 Q. And she's 18?

8 A. Yes.

9 Q. Measuring infill is so easy that your daughter could do
10 it, isn't that true, sir?

11 A. I said that, but I also said that there was --

12 Q. Is that true, sir?

13 A. Yes, I did.

14 Q. And if she did it, she could come up with a pretty good
15 number, true?

16 A. Yes.

17 Q. And she has never done field measurements before, isn't
18 that correct?

19 A. Yes.

20 Q. And so to be clear, measuring infill is so easy that your
21 18-year-old daughter could do it and get a good number even
22 though she's never done it before, is that correct?

23 A. Yes.

24 Q. Certainly a trained installer could do it then, right,
25 sir?

1 A. I'm not an attorney but I --

2 Q. You don't have any business degrees, is that correct?

3 A. That's correct.

4 Q. And you've not worked in the United States, in any United
5 States business since 1990, correct?

6 A. Correct.

7 Q. So in 1997, I want to talk to you about some of the
8 different measurement techniques that were available in 1997.
9 I'm correct that there -- there were different measurement
10 techniques available in 1997, correct?

11 A. For the measurement of infill depth are we talking now?

12 Q. Yes.

13 A. Yes, they were.

14 Q. And one of those was using a nail or straight probe,
15 correct?

16 A. Correct.

17 Q. And that method is still available today?

18 A. There are still nails available today, yes.

19 Q. Another method was using a ruler?

20 A. Yes.

21 Q. And a -- or a single prong with a plunger?

22 A. Yes.

23 Q. Or a three-prong with a plunger?

24 A. Yes.

25 Q. Another was measuring the -- the free ribbon above the

1 infill, is that correct?

2 A. Yes.

3 Q. And that could be measured several different ways, right?

4 A. Yes.

5 Q. And the patent --

6 A. Well, I'm not sure -- well, yes, yes, okay, I'll -- I
7 accept that, yes.

8 Q. And, in fact, another way is you could -- you could
9 excavate the infill, take some out and then measure?

10 A. Correct.

11 Q. Put something against it and see how high the remaining
12 infill was, correct?

13 MR. WARNER: Your Honor, I object. We're getting
14 into the indefiniteness portion of the case now, which is again
15 a portion of invalidity that's not being tried now.

16 THE COURT: It sounds like he's addressing the
17 measuring, lack of measuring and testimony on direct, so I'll
18 overrule that.

19 Go ahead.

20 BY MR. DE MEO:

21 Q. The patent doesn't say how to measure the infill. The
22 '412 patent does not say how you're supposed to measure the
23 infill, is that correct?

24 A. That's correct, yes. I don't consider it needs to say how
25 to measure depth.